

## **REMARKS**

### **I. INTRODUCTION**

Claims 92-94, 98, 100-112 and 135-141 are pending in the current application. Applicants gratefully acknowledge the Examiner's allowance of claims 92-94, 98 and 140. In view of the following Remarks, Applicants respectfully submit that the pending claims are now in condition for allowance.

### **II. OBJECTION TO OATH OR DECLARATION**

The Examiner has stated that the "oath or declaration is defective because it includes a claim for priority under 35 U.S.C. § 120 of four earlier filed U.S. applications while in Paper No. 17, applicants amend page 1 of the specification to delete reference to the earliest of those applications (09/153,144)." Applicants respectfully submit that a new oath or declaration is not required when deleting a claim for priority. *See* M.P.E.P. § 201.11 III. G. ("As a result of the 20-year patent term, it is expected, in certain circumstances, that applicants may cancel their claim to priority by amending the specification or submitting a new application data sheet (no supplemental declaration is necessary) to delete any references to prior applications."). Thus, for at least the preceding reasons, it is respectfully submitted that the oath or declaration is not defective, and that therefore the objection thereto should be withdrawn.

### III. DOUBLE PATENTING REJECTIONS

The Examiner has provisionally rejected claims 100, 106-112, 135-139 and 141 under the judicially created doctrine of obviousness-type double patenting over claims 9 and 13-19 of co-pending U.S. Patent Application No. 09/637,766. The Examiner has also objected to claims 101-105 as being dependent upon a rejected base claim (*i.e.*, claim 100), but which would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is respectfully submitted that these rejections and objections should be withdrawn for at least the following reasons.

On August 12, 2003 in U.S. Patent Application No. 09/637,766, a Petition for Withdraw from Issue Pursuant to 37 C.F.R. §1.313(c)(2) was filed, whereby the Applicants requested continued examination in compliance with 37 C.F.R. §1.114. This Petition for Withdraw from Issue Pursuant to 37 C.F.R. §1.313(c)(2) was granted by the Office of Petitions in a decision mailed on August 13, 2003. In addition, on August 12, 2003 in U.S. Patent Application No. 09/637,766, a Petition for Suspension of Action by the Office under 37 C.F.R. §1.103(c) was filed, requesting a suspension of action for a time period of three months. This Petition for Suspension of Action by the Office was approved by the Office in an Office communication mailed on September 25, 2003. Thus, in accordance with M.P.E.P. § 804 I. B., Applicants respectfully submit that this obviousness-type double patenting rejection, and the accompanying claim objections, have been overcome and should therefore be withdrawn.

IV. INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, Applicants submit herewith a Supplemental Information Disclosure Statement including: (1) an abstract entitled "Optical Properties of Pt (II) Cyclometalated Complexes in Polymer Matrices, Preparation and Potential Uses in OLEDs," by Sergey Lamansky and Mark E. Thompson, dated March 21-25, 1999; and (2) an Internet published schedule of the 217<sup>th</sup> ACS National Meeting at which the aforementioned abstract was presented, indicating that the presentation took place on March 23, 1999.

Applicants have also submitted herewith Declarations under 37 C.F.R. § 1.132 from each of the inventors of the present application. These Declarations are being submitted to show, *inter alia*, that the subject matter disclosed in the aforementioned abstract originated from the original conception by inventors Mark E. Thompson, Sergey Lamansky, Stephen R. Forrest and Marc A. Baldo, of the subject matter currently claimed in pending claims 100, 106-112, 135-139 and 141 of the present application. Thus, to the extent that any subject matter currently claimed in pending claims 100, 106-112, 135-139 and 141 of the present application is disclosed in or suggested by the aforementioned abstract, this subject matter was originally conceived by inventors Mark E. Thompson, Sergey Lamansky, Stephen R. Forrest and Marc A. Baldo prior to March 21, 1999. Therefore, the aforementioned abstract does not constitute prior art to pending claims 100, 106-112, 135-139 and 141 of the present application because the subject matter of the aforementioned abstract was derived from the original conception

by inventors Mark E. Thompson, Sergey Lamansky, Stephen R. Forrest and Marc A. Baldo of the subject matter of these claims. *See* M.P.E.P. §§ 716.10, 2132.01.


V. CONCLUSION

Applicants respectfully submit that the present Remarks place the application in condition for allowance, and such action is respectfully requested. If for any reason the Examiner believes that contact with Applicants' attorney would advance prosecution, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,  
KENYON & KENYON

Dated: October 16, 2003

By:

  
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Attachments